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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KAL-MOR-USA, LLC, a Nevada limited liability company, Plaintiff, vs. BANK OF AMERICA, N.A., a National Association; RECONTRUST COMPANY, N.A., a National Association; THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS SUCCESSOR TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS TRUSTEE ON BEHALF OF THE CERTIFICATE HOLDERS OF THE CWHEQ INC., CWHEQ REVOLVING HOME EQUITY LOAN TRUST, SERIES 2005-F, a Remic Trust; DOES I through X; and ROE CORPORATIONS I through X, inclusive, Defendants.	Case No. ________________ **PETITION FOR REMOVAL** (Formerly Case No. A-13-677346-C in the Eighth Judicial District Court, Clark County, Nevada)

TO : CLERK OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA; and

TO: ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that defendants, Bank of America, N.A. ("BANA") and ReconTrust Company, N.A. ("ReconTrust" and collectively, "Defendants"), hereby remove to this Court pursuant to 28 U.S.C. §§ 1441 and 1446 the action filed in the Eighth Judicial District Court, in Clark County, Nevada (the "Eighth Judicial District Court") described below.

In support of this Notice, Defendants state as follows:

1. On February 26, 2013, First 100, LLC ("original plaintiff") commenced an action in the Eighth Judicial District Court, Clark County, Nevada by filing a complaint (the "Original Complaint"), Case No. A-13-677346-C, First 100, LLC v. Bank of America, N.A., et al.

2. The Original Complaint was served upon Defendants on March 1, 2013.

3. On April 1, 2013, Defendants filed their motion to dismiss.

4. On April 4, 2013, a First Amended Complaint ("Amended Complaint") was filed which substituted KAL-MOR-USA, LLC ("plaintiff") in the place of original plaintiff.

5. On April 8, 2013, the undersigned counsel accepted service of the Amended Complaint on behalf of Defendants. True and correct copies of the Summons, the Original Complaint, the Amended Complaint, and the other filings from the Eighth Judicial District Court are attached as Exhibits A through L, pursuant to 28 U.S.C. § 1446(a).

6. This is a civil action over which this Court has jurisdiction under 28 U.S.C. § 1332 in that there is complete diversity of citizenship between plaintiff and Defendants and the amount in controversy exceeds $75,000.

7. Plaintiff is a limited liability company. "[L]ike a partnership, an LLC is a citizen of every state of which its owners/members are citizens." Johnson v. Columbia Props. Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006). According to the Nevada Secretary of State, plaintiff's managers are Greg Darroch and Laurie A. Darroch. See Ex. M, Nevada Secretary of State, Business Entity Information for KAL-MOR-USA, LLC. The address listed for each of these individuals is a Canadian

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address. See id. Accordingly, plaintiff is considered a citizen of Canada for purposes of diversity jurisdiction.

8. Defendant BANA is a national banking association whose main office and principal place of business are located in North Carolina.

9. Upon information and belief, defendant The Bank of New York Mellon fka The Bank of New York, as successor trustee to JPMorgan Chase Bank, N.A., as trustee on behalf of the Certificate Holders of the CWHEQ Inc., CWHEQ Revolving Home Equity Loan Trust, Series 2005-F, a REMIC Trust ("BNY Mellon") is a corporation organized under the laws of Delaware with its principal place of business in New York.

10. Defendant ReconTrust is named as trustee under the deed of trust held by BANA. Therefore, it is not a real party in interest and its citizenship is disregarded for purposes of diversity jurisdiction. See Navarro Sav. Ass'n v. Lee, 446 U.S. 458, 460–61 (1980) ("[A] federal court must disregard nominal or formal parties and rest jurisdiction only upon the citizenship of real parties to the controversy."); Prudential Real Estate Affiliates, Inc. v. PPR Realty, Inc., 204 F.3d 867, 873 (9th Cir. 2000) ("We will ignore the citizenship of nominal or formal parties who have no interest in the action, and are merely joined to perform the ministerial act of conveying the title if adjudged to the complainant.") (internal quotation marks omitted).

11. The unknown defendants, Does I through X and Roe Corporations I through X, need not be joined in a removal notice. Fristoe v. Reynolds Metals Co., 615 F.2d 1209, 1213 (9th Cir. 1980); see also 28 U.S.C. § 1441(b)(1) ("[T]he citizenship of defendants sued under fictitious names shall be disregarded.").

12. The amount in controversy in this action exceeds $75,000. This is a quiet title action in which plaintiff seeks to extinguish Defendants' interests in certain real property located at 3047 Casey Drive, Unit 103, Las Vegas, Nevada. BANA is the holder of a deed of trust encumbering the subject property which

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secures a loan for $137,200. BNY Mellon is the holder of a deed of trust encumbering the subject property which secures indebtedness in the original amount of $34,300.

13. Defendants have not yet responded to the Amended Complaint. Since this action did not become removable until the Amended Complaint substituted KAL-MOR-USA, LLC as plaintiff, this Petition for Removal is timely. See 28 U.S.C. § 1446(b)(3). Thirty (30) days have not elapsed since Defendants were served with a copy of the Amended Complaint.

14. A true and correct copy of this Notice of Removal is being filed this date with the Clerk of the Eighth Judicial District Court.

Dated: April 22, 2013.

BALLARD SPAHR LLP

By: ____________________
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INDEX OF EXHIBITS

		BATES NO.
EXHIBIT A	Summons and Original Complaint	0001-0008
EXHIBIT B	Initial Appearance Fee Disclosure	0009-0011
EXHIBIT C	Affidavit of Service for BANA	0012-0013
EXHIBIT D	Affidavit of Service for BNY Mellon	0014-0015
EXHIBIT E	Affidavit of Service for ReconTrust	0016-0018
EXHIBIT F	Request for Judicial Notice	0019-0072
EXHIBIT G	Motion to Dismiss	0073-0095
EXHIBIT H	Initial Appearance Fee Disclosure	0096-0099
EXHIBIT I	First Amended Complaint	0100-0106
EXHIBIT J	Initial Appearance Fee Disclosure	0107-0109
EXHIBIT K	Affidavit of Service of Amended Complaint for BNY Mellon	0110-0111
EXHIBIT L	Acceptance of Service of Amended Complaint for BANA	0112-0114
EXHIBIT M	Nevada Secretary of State, Business Entity Information for KAL-MOR-USA, LLC	0115-0117

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the 22 day of April, 2013 and pursuant to Fed. R. Civ. P. 5(b), I served via CM/ECF and/or deposited for mailing in the U.S. Mail a true and correct copy of the foregoing **Petition for Removal**, postage prepaid and addressed to the following:

Luis A. Ayon, Esq.
Joseph A. Gutierrez, Esq.
MAIER GUTIERREZ AYON
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Attorneys for Plaintiff

An employee of BALLARD SPAHR LLP

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